

HOUSE OF REPRESENTATIVES

THIRD READING ALERT

PROJECTED THIRD READINGS FOR WEDNESDAY, JUNE 17, 2015

House Convenes at 11:00 AM

BILL#	COMM	RECOMMENDATION	FILED	CARRIER
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Propositions & Motions:*(Possible Consideration Of Senate Amendments)*

<u>HB 2463 B-Eng.</u>	<u>HRCLUW</u>	Not Concur	6/15/2015	Clem
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Authorizes Department of State Lands (DSL) to seize and remove derelict or abandoned structure on, under, or over state-owned submerged land or submersible lands if DSL determines after providing notice and opportunity for hearing that structure is abandoned or derelict and owner has failed to correct identified problems within 20 days or longer reasonable time as specified in notice. Establishes notice requirements. Establishes Submerged Lands Enhancement Fund. Clarifies that marine debris may be removed and disposed of with moneys from Submerged Lands Enhancement Fund. Directs DSL to adopt rules, including procedures for notice and opportunity for hearing prior to seizure and manner by which request to DSL for use of money in Submerged Lands Enhancement Fund may be made and evaluated by DSL. Places liability of costs of removal, salvage, storage, and disposal of seized structure with owner. **Senate Amendment Specifies Department of State Lands is authorized to seize structure or if owner has failed to correct problems identified in notice within 20 days or longer reasonable time as specified in notice. Establishes notice requirements.** (Senate Vote: Ayes, 20; nays, 10-- Baertschiger Jr, Boquist, Ferrioli, Girod, Hansell, Knopp, Kruse, Thatcher, Thomsen, Whitsett.)

Fiscal impact issued

No Revenue Impact

<u>HB 2509 B-Eng.</u>	<u>HRCLUW</u>	Not Concur	6/11/2015	Clem
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Requires Oregon Department of Agriculture (ODA), if requested by either party of dispute where person engaged in farming practice has reasonable belief that planting, growing or harvesting of agricultural or horticultural commodity on nearby land might or is interfering with farming practice, to provide mediation program services or refer parties to United States Department of Agriculture (USDA) for participation in certified state agricultural mediation program. Stipulates person requested to participate may elect to have proceeding conducted through either program. Requires person electing to have mediation services through ODA, rather than USDA referral must pay any additional costs and fees. Stipulates if ODA provides mediation services costs required of parties may not exceed \$2,500. Stipulates party requesting mediation services is responsible for paying unless both parties agree to divide costs. Authorizes court to consider if party is offered and is unwilling to participate in mediation when determining preliminary injunction. Requires parties to participate in mediation proceeding if court action arises, beginning no later than 270 days after action is filed. Authorizes court to impose sanctions against party that is unwilling to participate in at least four hours of mediation, or shorter time agreed upon by both parties. Establishes cause of action against party that discloses confidential communications or terms of mediation agreement if both parties agreed in writing to confidentiality. Clarifies Act does not require party to mediation to disclose confidential information that may be adverse to their legal interests. Stipulates Act does

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not apply to any dispute in county that has ordinance in effect regulating planting, growing, or harvesting of genetically engineered commodities. Requires, upon request by farmer or holder of patent granted for seed crop or trait, ODA Director to appoint representative from ODA to accompany farmer, patent holder or crop testing service at time sample is taken and authorizes ODA to charge requester fee for service. **Senate Amendment Replaces measure.** (Senate Vote: Ayes, 29; excused, 1--Johnson.)

Fiscal impact issued
No Revenue Impact

HB 2638 A-Eng. **HHC** **Concur** **6/10/2015** **Lively**

Expands the use of the Oregon Prescription Drug Program (OPDP) to include medical assistance recipients and coordinated care organizations. **Senate Amendment Prohibits Oregon Health Authority (OHA) from denying reimbursement for legend drugs prior to recommendation of Pharmacy and Therapeutics Committee or six months after United States Food and Drug Administration approval for marketing (FDA), whichever date is earlier. Removes requirement to wait six months after the FDA has approved a drug for marketing for OHA to reimburse the cost of a legend drug.** (Senate Vote: Ayes, 28; excused, 2--Beyer, Thomsen.)

Fiscal impact issued
No Revenue Impact

HB 3315 B-Eng. **HCPGE** **Concur** **6/15/2015** **Rayfield**

Requires Oregon Department of Fish and Wildlife (ODFW) beginning July 1, 2015, to track and prepare statements reporting hours spent by ODFW personnel, and applicable hourly rate, performing recompensable assistance for other state executive department agencies. Requires ODFW for fiscal years beginning July 1, 2019 to track and prepare statements and to invoice other agencies for services estimated to be provided in next biennium. Requires ODFW to reflect over- and under-payments in future estimates. Requires ODFW to report to Legislative Assembly on types of permit review work for which invoicing will be allowed, and list of statutes and rules applicable to permit review work carried out by ODFW on or before January 1, 2017. Declares emergency, effective upon passage. **Senate Amendment Requires Oregon Department of Fish and Wildlife (ODFW) for four fiscal years beginning July 1, 2015, to track and prepare statements reporting hours spent by ODFW personnel, and applicable hourly rate, performing recompensable assistance for other state executive department agencies. For fiscal years beginning July 1, 2019, requires ODFW to track and prepare statements and to invoice other agencies for services estimated to be provided in next biennium.** (Senate Vote: Ayes, 28; nays, 2--Boquist, Whitsett.)

Fiscal impact issued
No Revenue Impact

HB 3319 B-Eng. **HED** **Concur** **6/15/2015** **Doherty**

Requires Oregon Department of Education (ODE) produce report on best practices used by Oregon school districts to reduce dropout rates. Requires report include strategies or activities used to increase graduation rates or reduce absenteeism. Requires ODE make report available to public through website. Requires ODE request from school districts description of practices used to reduce drop rates and increase graduation rates. Provides that school districts' response to request is voluntary. Requires districts choosing to provide information submit responses by December 31, 2015. Requires ODE submit report to legislative committees and post to website by

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February 1, 2016. Declares emergency, effective on passage. **Senate Amendment Replaces the measure.** (Senate Vote: Ayes, 30.)

Has minimal fiscal impact
No Revenue Impact

HB 3452 B-Eng. **HJUD** **Concur** **6/15/2015** **McLane**

Prohibits contracts allowing use of property or facilities by certain groups from requiring individual participant to indemnify property owner for damages not caused by individual participant. Declares emergency, effective on passage. **Senate Amendment Clarifies term "educational provider".** (Senate Vote: Ayes, 23; nays, 7--Boquist, Johnson, Knopp, Kruse, Olsen, Thatcher, Whitsett.)

No Fiscal Impact
No Revenue Impact

HB 3469 A-Eng. **HJUD** **Concur** **6/15/2015** **Barton**

Increases penalty for crime of strangulation if defendant knows victim is pregnant. Makes crime a Class C felony, with maximum punishment of five years imprisonment, \$125,000 fine or both. Expands types of previous convictions that elevate assault in the fourth degree to from Class A misdemeanor to Class C felony. Makes technical fixes to animal welfare laws. **Senate Amendment Makes technical fixes to animal welfare laws.** (Senate Vote: Ayes, 29; nays, 1--Boquist.)

Fiscal impact issued
No Revenue Impact

HB 3492 B-Eng. **HEE** **Concur** **6/15/2015** **Bentz**

Allows county, or county and city if property is within city boundaries, upon request of owner of solar project, to enter into agreement, for period not to exceed 20 years, pursuant to which property constituting solar project is exempt from property taxation and owner pays fee in-lieu of taxes. Establishes fee equal to \$7,000 per megawatt of nameplate capacity of solar project. Requires fee revenue to be distributed proportionally to taxing districts within which solar project is located based upon each affected district's proportion of ad valorem property taxes excluding taxes imposed to pay bonded indebtedness. Requires county assessor to calculate and levy fee based upon information required to be provided by solar project owner. Establishes fee deadline and late payment criteria. Requires solar project failing to pay fee for more than one year during term of an agreement to be disqualified from exemption and pay penalty equal to one year of the fee. Requires in lieu fee penalty for disqualified solar property to be distributed to all taxing districts based upon share of each affected district's operating taxes. Prohibits solar project that has received an exemption for any property tax year under the Rural Renewable Energy Development Zone or Strategic Investment Zone from receiving exemption and paying in lieu fee. Repeals exemption and in lieu fee for property first qualifying for exemption on or after January 2, 2022. Applies to property tax years beginning on or after July 1, 2016. **Senate Amendment Allows county, and the owner or person in possession or control of a solar project located within county and outside of city district boundaries, to enter into an agreement exempting from property taxes the property constituting the solar project. Limits agreement to no more than 20 consecutive years. If any portion of solar project is located within city district boundaries, city is required to be party to agreement between county and owner or person in possession or control of a solar project. Requires in lieu fee penalty for disqualified solar property to be distributed to all taxing districts based upon share of each affected district's**

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operating taxes. (Senate Vote: Ayes, 29; nays, 1--Whitsett.)

Fiscal impact issued
Revenue impact issued

HB 3524 B-Eng. **HHS** **Concur** **6/15/2015** **Reardon**

Directs state agencies to give priority notification to nonprofit organizations and Indian tribes of lands available for purchase for purposes of affordable housing development. **Senate Amendment Expands application to include Indian tribes as defined by statute and adds exemption for Department of State Lands. Resolves conflict with Senate Bill 224.** (Senate Vote: Ayes, 20; nays, 10--Baertschiger Jr, Boquist, Girod, Johnson, Knopp, Kruse, Olsen, Thatcher, Thomsen, Whitsett.)

Fiscal impact issued
No Revenue Impact

Third Reading Of House Bills:

HB 5034 A-Eng. **JWM** **dpa PE** **6/15/2015** **Komp**

Agency: Public Employees Retirement System (Committee Vote: Aye, 24)

Budget Report Issued
No Revenue Impact

HB 5035 A-Eng. **JWM** **dpa PE** **6/15/2015** **Smith**

Agencies: Department of Revenue; Emergency Board (Committee Vote: Aye, 23; Nay, 1 -- Thomsen)

Budget Report Issued
Revenue impact issued

HB 5041 A-Eng. **JWM** **dpa PE** **6/15/2015** **Smith**

Agency: State Treasurer (Committee Vote: Aye, 16; Nay, 8 --McLane, Huffman, Whisnant, Whitsett, Girod, Hansell, Thomsen, Whitsett)

Budget Report Issued
No Revenue Impact

HB 5042 A-Eng. **JWM** **dpa PE** **6/15/2015** **Hack**

Agency: Water Resources Department (Committee Vote: Aye, 22; Nay, 2 --Whitsett, Whitsett)

Budget Report Issued
No Revenue Impact

HB 2016 B-Eng. **JWM** **dpa PE** **6/15/2015** **Hack**

Requires Oregon Department of Education (ODE) to develop and implement statewide education plan for students enrolled in early childhood through post-secondary education who are black or African-American or students not covered under existing culturally specific statewide education plan, who have experienced disproportionate results in education due to historical practices, as identified in rule by State Board of Education (SBE). ODE will form advisory group including

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representatives from community, education stakeholders, Early Learning Division, Youth Development Division and Higher Education Coordinating Commission to advise ODE on development, implementation and grant eligibility criteria. SBE will adopt rules for implementation of plan. Specifies issues and strategies that plan must contain to address disparities amongst identified students. Requires ODE to submit biennial report to legislature. Directs ODE to award grants to early learning hubs, providers of early learning services, school districts, post-secondary institutions of education and community-based organizations to implement plan. Requires ODE to submit progress report to interim committee of legislature no later than January 1, 2016. Appropriates money from General Fund to ODE to implement plan. Declares emergency, effective on passage. **House Amendment Removes the section relating to the appropriation for the program but retains the requirements around the timing of the development of the plan and its implementation. The funding for this program will part of the Oregon Department of Education's budget bill.** (Committee Vote: Aye, 21; Exc., 3 --McLane, Read, Girod)

Fiscal impact issued
No Revenue Impact

HB 2796 A-Eng. **JWM** **dp** **6/15/2015** **Parrish**
Authorizes the Health Licensing Office (HLO) to issue licenses to practice music therapy. Specifies licensing criteria for applicants. Authorizes HLO to adopt rules for licensing, qualifications and to establish standards. Prohibits persons from practicing music therapy or using the title of music therapist without a license. Declares emergency, effective on passage. (Committee Vote: Aye, 21; Exc., 3 --McLane, Read, Girod)

Fiscal impact issued
No Revenue Impact

HB 3304 B-Eng. **JWM** **dpa PE** **6/15/2015** **Heard**
Allows person applying for landscape construction professional license to satisfy examination requirement by either passing written examination or passing eight-hour skills test and attending six-hour business practices class. Requires Landscape Contractors Board to offer practical skills testing three weeks each year starting May 1, 2016. Directs Board to establish applicant fee to offset full cost of practical skills test and business practices class. Requires written examination to be translated to Spanish by January 1, 2016. Requires Board to report to Legislative Assembly by September 15, 2016, regarding implementation of practical skills test and business practices class. Declares emergency, effective on passage. **House Amendment Removes emergency clause; provides that practical skills test option applies to limited and specialty license; allows board to test the ability of an applicant to plan and install fences, decks, arbors, patios, landscape edging, driveways, walkways or retaining walls; prohibits board from testing the ability of an applicant to install backflow; requires board consult with the State Plumbing Board in developing any written and practical examinations for backflow assembly installer licenses; requires board to make any written backflow assembly installer licensing available with Spanish upon request of applicant; moves date that board must make the practical skills test available from January 1, 2016 to May 1, 2016; and moves date that board is required to report to the Legislative Assembly from September 15, 2016 to May 15, 2017.** (Committee Vote: Aye, 21; Exc., 3 --McLane, Read, Girod)

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beginning July 1, 2015 and per ton fee on disposal sites for composting be no more than per ton fee assessed on domestic solid waste, less \$0.81 per ton. Stipulates after July 1, 2017 Department of Administrative Services and EQC may proportionally adjust fee to meet revenue needs consistent with legislatively authorized budget or adjust for inflation based on certain guidelines. Establishes tipping fee rebate program for nine most economically distressed counties. Authorizes fees on disposal sites that receive and person who transport out of state for final disposal building demolition or construction wastes, land clearing debris and waste tires. Requires Department of Environmental Quality to submit report to interim legislative committee on environment and natural resources no later than October 31, 2022. (Committee Vote: Aye, 19; Nay, 1 --Girod; Exc., 4 --Smith, Shields, Thomsen, Winters)

Fiscal impact issued

No Revenue Impact

SB 262 A-Eng. **JWM** **dp** **6/15/2015** **Rayfield**

Increases fees for oil spill prevention program. Expands uses of moneys in Oil Spillage Control Fund to include planning and preparedness activities. Expands reporting requirements to include the penalties recovered by the department for civil penalties for the willful and negligent discharge of oil and the activities of the Department of Environmental Quality in collecting penalties for oil spills. (Committee Vote: Aye, 20; Exc., 4 --Smith, Shields, Thomsen, Winters)

Fiscal impact issued

No Revenue Impact

SB 441 A-Eng. **JWM** **dp** **6/15/2015** **Gomberg**

Agency: Oregon Business Development Department (Committee Vote: Aye, 20; Exc., 4 --Smith, Shields, Thomsen, Winters)

Budget Report Issued

No Revenue Impact

SB 696 B-Eng. **JWM** **dp** **6/15/2015** **Keny-Guyer**

Increases the Behavior Analysis Regulatory Board (BARB) membership from seven members to nine. Eliminates the BARB requirement to register licensed health care professionals and behavior analysis interventionists. Permits criteria for licensure to include certification by another agency approved by BARB. Requires fingerprinting for licensure. Directs Health Licensing Office to register behavior analysis interventionists. Creates title protections. Incorporates BARB under health professional regulatory boards and Health Licensing Office provisions. Permits insurance reimbursement to certain licensed health care professionals actively practicing applied behavior analysis through July 1, 2018 and requires documentation to Health Licensing Office. Allows health benefit plan to establish credentialing requirements for provision of behavior analysis. Creates operative date of November 1, 2015. Declares emergency, effective on passage. (Committee Vote: Aye, 20; Exc., 4 --Smith, Shields, Thomsen, Winters)

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